

117TH CONGRESS  
1ST SESSION

# H. R. 2308

To revise the advanced technology vehicles manufacturing incentive program,  
and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 2021

Mrs. DINGELL (for herself and Ms. BROWNLEY) introduced the following bill;  
which was referred to the Committee on Energy and Commerce

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## A BILL

To revise the advanced technology vehicles manufacturing  
incentive program, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

**3 SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Advanced Technology  
5 Vehicles Manufacturing Future Act of 2021” or the  
6 “ATVM Future Act”.

**7 SEC. 2. ADVANCED TECHNOLOGY VEHICLES MANUFAC-**  
**8 TURING INCENTIVE PROGRAM.**

9       Section 136 of the Energy Independence and Security  
10 Act of 2007 (42 U.S.C. 17013) is amended—

1                             (1) in subsection (a)—

2                                 (A) by amending paragraph (1) to read as  
3                             follows:

4                             “(1) ADVANCED TECHNOLOGY VEHICLE.—The  
5                             term ‘advanced technology vehicle’ means—

6                                 “(A) an ultra efficient vehicle;

7                                 “(B) a light-duty vehicle or medium-duty  
8                             passenger vehicle that—

9                                     “(i) meets the Bin 160 Tier III emission  
10                             standard established in regulations  
11                             issued by the Administrator of the Environmental Protection Agency under section  
12                             202(i) of the Clean Air Act (42 U.S.C. 7521(i)), or a lower-numbered Bin emission  
13                             standard;

14                                     “(ii) meets any new emission standard  
15                             in effect for fine particulate matter prescribed by the Administrator under that  
16                             Act (42 U.S.C. 7401 et seq.); and

17                                     “(iii) either—

18                                     “(I) complies with the applicable  
19                             regulatory standard for emissions of greenhouse gases for model year 2027  
20                             or later; or

1                         “(II) emits zero emissions of  
2                         greenhouse gases; or

3                         “(C) a heavy-duty vehicle (excluding a me-  
4                         dium-duty passenger vehicle) that—

5                         “(i) demonstrates achievement below  
6                         the applicable regulatory standards for  
7                         emissions of greenhouse gases for model  
8                         year 2027 vehicles promulgated by the Ad-  
9                         ministrator on October 25, 2016 (81 Fed.  
10                         Reg. 73478);

11                         “(ii) complies with the applicable reg-  
12                         ulatory standard for emissions of green-  
13                         house gases for model year 2030 or later;  
14                         or

15                         “(iii) emits zero emissions of green-  
16                         house gases.”;

17                         (B) by striking paragraph (2) and redesign-  
18                         inating paragraph (3) as paragraph (2);

19                         (C) by striking paragraph (4) and insert-  
20                         ing the following:

21                         “(3) QUALIFYING COMPONENT.—The term  
22                         ‘qualifying component’ means a material, technology,  
23                         component, system, or subsystem in an advanced  
24                         technology vehicle, including an ultra-efficient com-  
25                         ponent.

1           “(4) ULTRA-EFFICIENT COMPONENT.—The  
2 term ‘ultra-efficient component’ means—

3               “(A) a component of an ultra efficient ve-  
4 hicle;

5               “(B) fuel cell technology;

6               “(C) battery technology, including a bat-  
7 tery cell, battery, battery management system,  
8 or thermal control system;

9               “(D) an automotive semiconductor or com-  
10 puter;

11               “(E) an electric motor, axle, or component;  
12 and

13               “(F) an advanced lightweight, high-  
14 strength, or high-performance material.”; and

15               (D) in paragraph (5)—

16                       (i) in subparagraph (B), by striking  
17 “or” at the end;

18                       (ii) in subparagraph (C), by striking  
19 the period at the end and inserting “; or”;  
20 and

21                       (iii) by adding at the end the fol-  
22 lowing:

23               “(D) at least 75 miles per gallon equiva-  
24 lent while operating as a hydrogen fuel cell elec-  
25 tric vehicle.”;

(2) by amending subsection (b) to read as follows:

3       “(b) ADVANCED VEHICLES MANUFACTURING FACIL-  
4     ITY.—

5                 “(1) IN GENERAL.—The Secretary shall provide  
6 facility funding awards under this section to ad-  
7 vanced technology vehicle manufacturers and compo-  
8 nent suppliers to pay not more than 50 percent of  
9 the cost of—

10                         “(A) reequipping, expanding, or estab-  
11                         lishing a manufacturing facility in the United  
12                         States to produce—

15                   “(B) engineering integration performed in  
16                   the United States of advanced technology vehi-  
17                   cles and qualifying components.

18       “(2) ULTRA-EFFICIENT COMPONENTS COST  
19       SHARE.—Notwithstanding paragraph (1), a facility  
20       funding award under such paragraph may pay not  
21       more than 80 percent of the cost of a project to  
22       reequip, expand, or establish a manufacturing facil-  
23       ity in the United States to produce ultra-efficient  
24       components.”;

1                             (3) in subsection (c), by striking “2020” and  
2                             inserting “2031” each place it appears;

3                             (4) in subsection (d)—

4                                 (A) by amending paragraph (2) to read as  
5                             follows:

6                             “(2) APPLICATION.—An applicant for a loan  
7                             under this subsection shall submit to the Secretary  
8                             an application at such time, in such manner, and  
9                             containing such information as the Secretary may  
10                          require, including—

11                                 “(A) a written assurance that all laborers  
12                             and mechanics employed by contractors or sub-  
13                             contractors during construction, alteration, or  
14                             repair, or at any manufacturing operation, that  
15                             is financed, in whole or in part, by a loan under  
16                             this section shall be paid wages at rates not less  
17                             than those prevailing in a similar firm or on  
18                             similar construction in the locality, as deter-  
19                             mined by the Secretary of Labor in accordance  
20                             with subchapter IV of chapter 31 of title 40,  
21                             United States Code;

22                                 “(B) a disclosure of whether there has  
23                             been any administrative merits determination,  
24                             arbitral award or decision, or civil judgment, as  
25                             defined in guidance issued by the Secretary of

1           Labor, rendered against the applicant in the  
2           preceding 3 years for violations of applicable  
3           labor, employment, civil rights, or health and  
4           safety laws;

5           “(C) specific information regarding the ac-  
6           tions the applicant will take to demonstrate  
7           compliance with, and where possible exceedance  
8           of, requirements under applicable labor, employ-  
9           ment, civil rights, and health and safety laws,  
10           and actions the applicant will take to ensure  
11           that its direct suppliers demonstrate compliance  
12           with applicable labor, employment, civil rights,  
13           and health and safety laws; and

14           “(D) an estimate and description of the  
15           jobs and types of jobs to be retained or created  
16           by the project and the specific actions the appli-  
17           cant will take to increase employment and re-  
18           tention of dislocated workers, veterans, individ-  
19           uals from low-income communities, women, mi-  
20           norities, and other groups underrepresented in  
21           manufacturing, and individuals with a barrier  
22           to employment.”;

23           (B) by amending paragraph (3) to read as  
24           follows:

25           “(3) SELECTION OF ELIGIBLE PROJECTS.—

1                 “(A) IN GENERAL.—The Secretary shall  
2                 select eligible projects to receive loans under  
3                 this subsection in cases in which the Secretary  
4                 determines—

5                     “(i) the loan recipient—

6                         “(I) has a reasonable prospect of  
7                 repaying the principal and interest on  
8                 the loan;

9                         “(II) will provide sufficient infor-  
10                 mation to the Secretary for the Sec-  
11                 retary to ensure that the qualified in-  
12                 vestment is expended efficiently and  
13                 effectively; and

14                         “(III) has met such other criteria  
15                 as may be established and published  
16                 by the Secretary; and

17                         “(ii) the amount of the loan (when  
18                 combined with amounts available to the  
19                 loan recipient from other sources) will be  
20                 sufficient to carry out the project.

21                 “(B) REASONABLE PROSPECT OF REPAY-  
22                 MENT.—The Secretary shall base a determina-  
23                 tion of whether there is a reasonable prospect  
24                 of repayment of the principal and interest on a  
25                 loan under subparagraph (A) on a comprehen-

1 sive evaluation of whether the loan recipient has  
2 a reasonable prospect of repaying the principal  
3 and interest, including evaluation of—

4 “(i) the strength of an eligible  
5 project’s contractual terms (if commer-  
6 cially reasonably available);

7 “(ii) the forecast of noncontractual  
8 cash flows supported by market projections  
9 from reputable sources, as determined by  
10 the Secretary;

11 “(iii) cash sweeps and other structure  
12 enhancements;

13 “(iv) the projected financial strength  
14 of the loan recipient at the time of loan  
15 close and projected throughout the loan  
16 term after the project is completed;

17 “(v) the financial strength of the loan  
18 recipient’s investors and strategic partners,  
19 if applicable; and

20 “(vi) other financial metrics and anal-  
21 yses that are relied upon by the private  
22 lending community and nationally recog-  
23 nized credit rating agencies, as determined  
24 appropriate by the Secretary.”; and

25 (C) in paragraph (4)—

10                         “(E) shall be subject to the condition that  
11                         the loan is not subordinate to other financing.”;

14        "(e) REGULATIONS.—Not later than 6 months after  
15 the date of enactment of the Advanced Technology Vehi-  
16 cles Manufacturing Future Act of 2021, the Secretary  
17 shall issue a final rule establishing regulations to carry  
18 out this section.";

19                         (6) by amending subsection (f) to read as fol-  
20                         lows:

“(f) FEES.—The Secretary shall charge and collect fees for loans under this section in amounts the Secretary determines are sufficient to cover applicable administrative expenses (including any costs associated with third-party consultants engaged by the Secretary), which may

1 not exceed \$100,000 or 10 basis points of the loan and  
2 may not be collected prior to financial closing.”;

3 (7) by amending subsection (g) to read as fol-  
4 lows:

5 “(g) PRIORITY.—The Secretary shall, in making  
6 awards or loans to those manufacturers that have existing  
7 facilities (which may be idle), give priority to those facili-  
8 ties that are or would be—

9 “(1) oldest or in existence for at least 20 years;

10 “(2) recently closed, or at risk of closure;

11 “(3) utilized primarily for the manufacture of  
12 medium-duty passenger vehicles or other heavy-duty  
13 vehicles that emit zero greenhouse gas emissions; or

14 “(4) utilized primarily for the manufacture of  
15 ultra-efficient components.”;

16 (8) in subsection (h)—

17 (A) in the header, by striking “AUTO-  
18 MOBILE” and inserting “ADVANCED TECH-  
19 NOLOGY VEHICLE”; and

20 (B) in paragraph (1)(B), by striking  
21 “automobiles, or components of automobiles”  
22 and inserting “advanced technology vehicles, or  
23 components of advanced technology vehicles”;

24 (9) by striking subsection (i) and redesignating  
25 subsection (j) as subsection (i); and

1                             (10) by adding at the end the following:

2                 “(j) COORDINATION.—In carrying out this section,  
3 the Secretary shall coordinate with relevant vehicle, bio-  
4 energy, and hydrogen and fuel cell demonstration project  
5 activities supported by the Department.

6                 “(k) OUTREACH.—In carrying out this section, the  
7 Secretary shall—

8                         “(1) provide assistance with the completion of  
9 applications for awards or loans under this section;  
10 and

11                         “(2) conduct outreach, including through con-  
12 ferences and online programs, to disseminate infor-  
13 mation on awards and loans under this section to  
14 potential applicants.

15                 “(l) REPORT.—Not later than 2 years after the date  
16 of the enactment of this subsection, and every 3 years  
17 thereafter, the Secretary shall submit to Congress a report  
18 on the status of projects supported by a loan under this  
19 section, including—

20                         “(1) a list of projects receiving a loan under  
21 this section, including the loan amount and con-  
22 struction status of each such project;

23                         “(2) the status of each project’s loan repay-  
24 ment, including future repayment projections;

1           “(3) data regarding the number of direct and  
2        indirect jobs retained, restored, or created by fi-  
3        nanced projects;

4           “(4) the number of new projects projected to  
5        receive a loan under this section in the next 2 years  
6        and the aggregate loan amount;

7           “(5) evaluation of ongoing compliance with the  
8        assurances and commitments and of the predictions  
9        made by applicants pursuant to subsection (d)(2);  
10      and

11          “(6) any other metrics the Secretary finds ap-  
12        propriate.

13          “(m) AUTHORIZATION OF APPROPRIATIONS.—There  
14        are authorized to be appropriated to carry out this section  
15        \$10,000,000 for each of fiscal years 2022 through 2031.”.

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